

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**VORLADETH
SOUVANNACHOUMKHAM,**

Petitioner,

v.

JEFF PREMO,

Respondent.

Case No. 6:17-cv-00823-SU

OPINION AND ORDER

Thomas J. Hester, Assistant Federal Public Defender, Office of the Federal Public Defender, 101 SW Main Street, Suite 1700, Portland, Oregon 97204. Attorney for Petitioner.

Ellen F. Rosenblum, Attorney General, and Nick M. Kallstrom, Assistant Attorney General, Oregon Department of Justice, 1162 Court Street NE, Salem, Oregon 97301. Attorneys for Respondent.

IMMERGUT, District Judge.

On September 25, 2019, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (F&R), recommending denial of the petition for writ of habeas corpus that Petitioner filed in this matter. ECF 57. Judge Sullivan further recommended that this Court dismiss the case with prejudice and decline to issue a certificate of appealability. *Id.* No party filed objections.

DISCUSSION

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte,” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

Although no party filed objections, this Court has reviewed the F&R, ECF 57, and adopts it in full. The petition for writ of habeas corpus, ECF 1, is DENIED. This case is DISMISSED with prejudice. This Court DECLINES to issue a certificate of appealability because Petitioner has not made a substantial showing of the denial of a constitutional right, as required under 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 31st day of October, 2019.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge